IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1682 OF 2006

E.S.I.C. Mumbai ...Appellant
Vs.
M/s.Elegant Weaving Industries Pvt. Ltd. ...Respondent

Shri H.V. Mehta for the Appellant.

CORAM : A. S. OKA, J.
DATE : AUGUST 07, 2006.

P.C.:

1. Heard Shri Mehta appearing for the Appellant.

The Appellant has taken exception to the judgment and order dated 02nd April, 2004 passed by the learned Judge of the Employees' State Insurance Court, Mumbai on an Application under section 75 of the Employees' State Insurance Act, 1948. The grievance of the Advocate for the Appellant is that by the impugned order the learned Judge of the E.S.I.Court has directed the Respondent to pay interest only at the rate of 6% per annum on sum of Rs.18,737/- and infact interest should have been awarded at the rate of 12% per annum in view of the amendment made to section 5 of the said Act of 1948 by the Amendment Act of 1989. He submitted that interest ought to have been made payable at the rate of 12% per annum up to 31st August, 1994 and at the rate of 15% per annum from

01st September, 1994. He submitted that the learned Judge had no authority to award interest at the rate which is lesser than what is prescribed by the statute.

2. I have considered the submissions. It is not in dispute that the sum of Rs.18,737/- is the contribution payable by the Respondent for the period between 04th November, 1983 to 23rd October, 1984 and from 24th October, 1984 to 12th November, 1985. Interest at the rate of 6% per annum has been granted which was the rate prevailing as per statute during the period for which demand is made. The issue raised by the learned Counsel appearing for the Appellant is covered by a decision of this Court dated 05th May, 2006 in First Appeal No.2284 of 2005 (The Regional Director, Employees' State Corporation Vs. M/s Hotel Suresh). In view of the said decision of this court, no substantial question of law arises. First Appeal is dismissed. No order as to costs.

JUDGE